

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Bracey C. Dixon, Jr.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-344 SLR
	:	
City of Wilmington, Chief James Ford,	:	
Deputy Chief Willie Patrick and	:	
Battalion Chief George Cunningham,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION TO DISMISS**

For the reasons set forth in Defendants' Opening Brief in Support of Their Motion to Dismiss, Defendants, City of Wilmington, James Ford, Willie Patrick and George Cunningham, respectfully move this Court to dismiss the Plaintiff's Complaint with prejudice pursuant to *Fed.R.Civ.P.* 12(b)(6) for failure to state a claim upon which relief can be granted.

CITY OF WILMINGTON LAW DEPARTMENT

/s/ Andrea J. Faraone  
Andrea J. Faraone (I.D. # 3831)  
Assistant City Solicitors  
Louis L. Redding City/County Building  
800 French Street, 9<sup>th</sup> Floor  
Wilmington, Delaware 19801-3537  
(302) 576-2175  
Attorneys for Defendants

Dated: Jun 26, 2006

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FOR THE DISTRICT OF DELAWARE

Bracey C. Dixon, Jr.,	:	
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Plaintiff,	:	
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City of Wilmington, Chief James Ford,	:	
Deputy Chief Willie Patrick and	:	
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	:	
Defendants.	:	

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2006, the Court having considered Defendants' Motion to Dismiss,

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006, that Defendants' Motion to Dismiss is GRANTED, and Plaintiff's Complaint in the above-captioned action is dismissed with prejudice.

\_\_\_\_\_  
Judge Sue L. Robinson

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	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Andrea J. Faraone, Esquire, hereby certify that on this 26<sup>th</sup> day of June, 2006, I filed the Defendants, City of Wilmington, James Ford, Willie Patrick and George Cunningham's Motion to Dismiss with the Clerk of Court using CM/ECF which will send notification of such filing(s) that this document is available for viewing and downloading from CM/ECF to the following:

Bracy C. Dixon, Jr.  
806 W. 34<sup>th</sup> Street  
Wilmington, DE 19802

/s/ Andrea J. Faraone  
Andrea J. Faraone, Esquire (I.D. #3831)  
City of Wilmington Law Department  
Louis L. Redding City/County Building  
800 N. French Street, 9<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 576-2175  
Attorney for Defendants